

### **Remarks**

The following remarks are responsive to the Examiner's rejection in the Non-Final Office Action dated June 29, 2009.

### ***Status of the Claims***

Claims 20 and 40, 41 and 45 are pending. Claims 42-44 are canceled herein.

### ***Amendments to the Claims***

Claim 20 is amended to specify that the conductivity of the buffer layer is reduced by the addition of the nanoparticles. Support for this amendment is found in the paragraph bridging pages 12 and 13, specifically from line 38 on page 12 to line 3 on page 13. No new matter is introduced.

Claims 42-44 are canceled.

### ***Claim Rejections -- 35 U.S.C. § 102 / § 103***

(1) Claims 20 and 40-45 stand rejected under 35 U.S.C. § 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as being obvious over Elschner et al., U.S. Patent 5,917,279 ("Elschner"). Applicant respectfully asserts that this rejection is overcome by the foregoing amendment to Claim 20.

The Examiner has stated that the electrically conductive polymer of Applicant's Claim 20 is not distinguishable over the polymer binders of Elschner. Applicant respectfully submits again that the term "electrically conductive polymer" is a term of art that is well understood and is distinctly different from the insulative polymers listed by Elschner. Furthermore, Applicant respectfully disagrees with the Examiner's characterization of Elschner at column 8, lines 15-25. The intermediate layer of Elschner is TiO<sub>2</sub>/Moviol, where TiO<sub>2</sub> is in the form of nanoparticles having a diameter of 4.5nm and Moviol is a polyvinyl alcohol polymeric binder. When the intermediate layer is present, the current is 0.5 mA. The patent further states at Col. 8, line 23: "If the intermediate layer consists only of Moviol, no current flows and no electro-luminescence is detected." Thus, when the nanoparticles are added to the polymeric binder of Elschner, the conductivity increases. This is the opposite of Applicant's invention, as recited in amended Claim 20.

Applicant respectfully submits that this rejection has been overcome for Claim 20 and the claims dependent thereon, and requests that it be withdrawn.

(2) Claims 20 and 40-45 stand rejected under 35 U.S.C. § 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as being obvious over Lamansky et al., U.S. Patent 7,166,010 ("Lamansky"). Applicant respectfully submits that this rejection is overcome by the foregoing amendment to Claim 20.

Lamansky teaches a buffer layer comprising a triarylamine hole transport material and an electron acceptor material. The layer may optionally contain one or more of: a) a polymeric binder; b) a color converting material; and c) light-scattering particles. Applicant respectfully submits that none of the polymeric binders in Lamansky is a conductive polymer. The binders may be "electroactive" in that they have some level of hole or electron mobility, but there is no suggestion of polymers that are electrically conductive, as understood by one of ordinary skill in the art.

Furthermore, there is no teaching or suggestion in Lamansky that the addition of light scattering particles would decrease the conductivity of the buffer layer, as recited in amended Claim 20. There is no discussion of the conductivity of the buffer layer at all. There are no exemplary buffer layers containing nanoparticles.

Applicant respectfully submits that this rejection has been overcome for Claim 20 and the claims dependent thereon, and requests that it be withdrawn.

#### ***Claim Rejections – Double Patenting***

Claims 20 and 40-45 stand as rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 13-38 of U.S. Patent No. 7,317,047.

A Terminal Disclaimer is being concurrently submitted herewith. Applicant respectfully submits that this has overcome the rejection.

#### **Conclusion**

For all of the foregoing reasons, Applicant respectfully submits that the rejections have been rendered moot or overcome by the foregoing amendments and remarks, and

that the pending claims are in condition for allowance. A notice of allowance is earnestly solicited.

Should the Examiner have questions about the status of the application or the contents of this paper, the Examiner is invited to call the undersigned at the telephone number listed below.

Respectfully submitted,

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